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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 CHRISTINE DINGES, an individual,
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NO. CV-05-110-JLQ

9 Plaintiff,
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ORDER OF DISMISSAL WITHOUT
PREJUDICE AND CLOSING FILE

11 vs.
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PITNEY BOWES, INC., a foreign
12 corporation,
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13 Defendant.
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15 BEFORE THE COURT is Plaintiff's Motion for Voluntary Dismissal without
16 prejudice pursuant to Fed. R. Civ. P. 41(a)(2)(Ct. Rec. 10). Plaintiff is currently
17 represented by **Christine Weaver** and **Crystal Spielman**. Defendant is represented by
18 **Paula Lehmann** and **Boris Gaviria**.

19 This action was commenced in this court by filing of a notice of removal on April
20 18, 2005. Defendant filed an Answer to the Complaint on June 1, 2005. Plaintiff then
21 filed this motion for voluntary dismissal on June 20, 2005. FRCP 41(a)(1)(i) allows for
22 voluntary dismissal of an action by a plaintiff simply filing a notice of dismissal prior to
23 a defendant filing an answer or motion for summary judgment. This subsection is
24 inapplicable as Defendant has already answered. FRCP 41(a)(1)(ii) allows for a
25 stipulated dismissal. The parties have not stipulated to the dismissal.

26 Therefore, Plaintiff invokes FRCP 41(a)(2) which allows the voluntary dismissal
27 of an action that does not meet the requirements of 41(a)(1) "upon order of the court
28 and upon such terms and conditions as the court deems proper". FRCP 41(a)(2) further

1 provides that "[u]nless otherwise specified in the order, a dismissal under this paragraph
2 is without prejudice." Under Local Rule 7.1(c), Defendant had 11 days, or until July 1,
3 2005, to respond to the motion for voluntary dismissal. Defendant has not filed a
4 response or an objection to the voluntary dismissal.

5 Accordingly,

6 **IT IS HEREBY ORDERED:**

7 1. Plaintiff's Motion for Voluntary Dismissal is **GRANTED**. (Ct. Rec. 10).

8 2. The Clerk shall enter Judgment of dismissal **without prejudice**.

9 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and
10 Judgment of Dismissal without prejudice, furnish copies to counsel, and **close the file**.

11 **DATED** this 11th day of July, 2005.

12
13 s/ Justin L. Quackenbush
14 JUSTIN L. QUACKENBUSH
15 SENIOR UNITED STATES DISTRICT JUDGE
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